

**CALFRESH REQUEST FOR POLICY INTERPRETATION****PI# 18-48**

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

**Please note:** the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: 04/13/2018	NEED RESPONSE BY: 04/20/2018
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: Ventura County	
3. PHONE NO.:      EMAIL:		7. SUBJECT: Federal Means Tested Public Benefits Verification	
4. REGULATION CITE(S): 63-405.4 , ACIN I-65-11, 7 CFR 273.4(a)(6)(ii)(A)		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):			

Scenario: Mom and child applying for CalFresh. Mom is a LPR (entry date of 05/10/2015) and only has 8 quarters of work history. Mom is able to borrow quarters earned prior to turning 18 years of age from her father. Her father has 20 years of work history (80 quarters) and he last worked on 2010. Prior to 1997, her father only earned 28 quarters while working in Florida. After 1997 her father earned the remainder of the quarters. The father is now retired and lives out of the Country. Mom does not know if her father received any type of aid during the countable quarters.

1) What kind of verification is required to determine whether or not an individual (outside the CalFresh HH) was receiving Federal means tested public benefits while employed (earning quarters)?

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10. REQUESTOR'S PROPOSED ANSWER:
1) Not sure, but verification is required .
2) There is no need of a consent of the quarter owner to retrieve the 40 quarters data.
3) Yes, we could check in our data system (CalWIN) back to 2006 (CalWIN implementation date) and verify if the dad was on aid. We could use the Medical Eligibility Data System (MEDS) going back up to 4 years from present date. We could check our National Directory to verify if dad was receiving Federal Means Tested Benefits in another state.
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11. STATE POLICY RESPONSE (CFPB USE ONLY):
1) Currently there is no federal guidance on what kind of verification is required to determine whether or not an individual was receiving Federal means-tested public benefits during the period of time working quarters were earned; However, federal regulations at 7 CFR 273.4(a)(6)(ii)(A)(2) state that CWDs must identify quarters in which the individual received Federal means-tested public benefits and remove those quarters from the number of quarters credited.
2) Per ACL 96-68, the applicant should provide the CWD a release form signed by every individual giving SSA permission to release information on that individual to the CWD and/or the applicant. The release form should be retained in the case record to document the individual's consent.
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**FOR CDSS USE**

DATE RECEIVED: 04/17/2018	DATE RESPONDED TO COUNTY/ALJ: 04/27/2018
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**CALFRESH REQUEST FOR POLICY INTERPRETATION (Continued)****PI#18-48**

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: <b>04/03/2018</b>	NEED RESPONSE BY: <b>04/12/2018</b>
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: <b>County of Ventura</b>	
3. PHONE NO.:      EMAIL:		7. SUBJECT: <b>Verification on Receiving Federal Means Tested Benefits</b>	
4. REGULATION CITE(S): <b>63-405.4 , ACIN I-65-11, 7 CFR 273.4(a)(6)(ii)(A)</b>		8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> <b>NOTE: All requests must have a regulation cite(s) and/or a reference(s).</b>  <b>ACL 11-06</b>	

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Questions:

2) Is the individual, from whom the quarters are being borrowed, required to provide consent to verify quarters? And if not, how far can we search without impeding on the confidentiality of the person who is not requesting benefits? Can we search other cases within and outside our consortia system for the individual?

3) Can the information be verified through the eligibility data systems (MEDS, CalWIN or Welfare Systems) in other states?

4) Is a sworn affidavit from the applicant about the person's receipt of means tested benefits sufficient to verify the individual was or was not receiving Federal means tested public benefits ?

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Proposed Answer

4) Yes, we can receive the applicant's sworn affidavit to verify the person's receipt of the Federal Means Tested Benefits, and if the sworn affidavit is received no further verification is required such as to check the eligibility data system in CA or outside the state.

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3) Based on the given scenario, the client has 8 quarters of work and is eligible to receive 28 quarters of work from her father without having to verify if her father was receiving Federal meant-tested benefits because the quarters earned were pre-PRWORA welfare policies. The client has a total of 36 quarters and only needs 4 more qualifying quarters complete the required 40, per federal regulations at 7 CFR 273.4(a)(6)(ii)(A). The CWD could check in the data system (CalWIN) back to 2006 (CalWIN implementation date) and verify if the father was on aid, use the Medical Eligibility Data System (MEDS) going back up to 4 years from present date, and check the National Directory to verify if dad was receiving Federal Means Tested Benefits in another state for the remaining quarters needed to qualify for federal benefits.

4) A sworn affidavit from the client is only acceptable after the CWD has exhausted all other methods of verifying receipt of Federal means-tested benefits.